IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.16851-M of 2007
Date of Decision:- 06.11.2007

Tarshinder Kumar Garg & ors. ....Petitioner(s)

through
Mr.Gaurav Mohunta, Advocate

vs.

Jagir Singh ....Respondent(s)

through
Mr.Pritam Saini, Advocate.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

After arguing the case for some time, learned counsel for the petitioners seeks permission to withdraw this petition with liberty to the petitioners to raise their respective contentions before the learned trial Court. He, however, submits that having regard to the nature of allegations which are primarily attributed to petitioners No.1 and 2, petitioner Nos.3 to 5, more so when two of them are women, may be granted exemption from personal appearance.

As prayed for, dismissed as withdrawn with liberty to raise all the contentions before the learned trial Court which shall be taken into consideration in accordance with law. However, having regard to all the attending circumstances, liberty is granted to Petitioners No.3 to 5 to move an application for their exemption from personal appearance and if any such application is moved by them, the learned trial Court may grant the same

subject to, however, the conditions that they (i) shall be represented through counsel; (ii) shall not delay/stall the trial proceedings; (iii) shall not dispute their identity as accused; (iv) shall have no objection if the prosecution evidence is recorded in their absence but in the presence of their counsel; (v) the petitioners shall appear before the learned trial Court as and when directed by the learned trial Court; and (vi) any other condition which the learned trial Court may impose.

Disposed of.

November 06, 2007 **(SURYA KANT)**
poonam **JUDGE**